

OFFICIAL MINUTES MAY 14, 2014
CITY OF GUNNISON PLANNING AND ZONING COMMISSION
REGULAR MEETING

7:00PM

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MEMBERS	PRESENT	ABSENT	EXCUSED
Erik Niemeyer	X		
Erich Ferchau	X		
Andy Tocke	X		
Bob Beda	X		
Sharon Cave	X		
Greg Larson	X		
Councilor Stu Ferguson	X		

OTHERS PRESENT: Community Development Director Steve Westbay, Planner Andie Ruggera, Planning Technician Pam Cunningham, Hope Jones, Emily Jones, Geoff Heller, Tom Pulaski, Jani Pulaski, and Jessie Weaver

I. CALL TO ORDER AT _ 7:00 M BY CHAIR GREG LARSON

II. PLEDGE OF ALLEGIANCE TO THE FLAG

III. UNSCHEDULED CITIZENS. There were none

IV. PUBLIC HEARING – CU 14-2, FOR THE OPERATION OF A FOOD VENDOR TRUCK AS A TEMPORARY COMMERCIAL ACTIVITY IN THE CENTRAL BUSINESS DISTRICT.

Open Public Hearing. Chair Larson opened the public hearing at approximately 7:02 p.m.

Proof of publication. There was proof of publication.

Review of the Process. Planner Ruggera reviewed the process for a Text Amendment. The applicant is Hope Jones, who proposes the operation of a food service truck as a temporary commercial activity at 301 West Tomichi.

Applicant Presentation. Hope Jones addressed the Commission. She explained that she is seeking approval for a gourmet food truck north of Safeway. It is being built and will be done the first part of July. The food she serves will be locally sourced; if it is not found in the Gunnison Valley, it will be local to Colorado. She will serve breakfast and lunch six days a week and will do catering also.

Commissioner Beda asked if it will be a truck or a trailer and Ms. Jones responded that it is a truck.

Public Input. Emily Jones addressed the Commission and said that the food truck would be a great addition to the community and give great options for breakfast and lunch.

Staff Presentation. Planner Ruggera reviewed the Staff Observations. The Staff Observations include that the Applicant will be required to obtain a City sales tax license, a type K fire extinguisher, a Type 1 kitchen hood system and a certificate from the department of Public Health and Environment.

Planner Ruggera stated that in the Review Standards there is a possible conflict because the permit has not yet been received from the Colorado Department of Public Health and Environment; there is a Condition that the permit it is a requirement prior to opening.

Commissioner Beda observed that the application is for a temporary commercial activity and asked the applicant if the truck will be open in the winter. She responded that it depends upon how busy the summer is.

Commissioner Ferchau asked what the process is if the Applicant wants to add other locations. Director Westbay responded that the Conditional Use is dependent upon location and site conditions and that she would have to go through the process again for another location.

Commission Discussion

Chair Larson stated it is a novel idea to use locally-sourced food.

Councilor Ferguson stated there is a history of food service trailers at the same location, so this is not unfamiliar.

Close Public Hearing. Chair Larson closed the public hearing at 7:08 p.m.

- V. **COMMISSION ACTION.** During the regular Planning and Zoning Commission meeting held on May 14, 2014, Commissioner Beda moved, and Commissioner Cave seconded, and the Commission voted to APPROVE Conditional Use Application CU 14-2, submitted by Hope Jones for the operation of a seasonal food service truck at 301 West Tomichi Avenue, based on the following findings of fact:

FINDINGS OF FACT

1. The Planning and Zoning Commission finds that the record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record; and provisions of the *City of Gunnison Land Development Code* and the *City of Gunnison Master Plan*.
2. The Planning and Zoning Commission finds that this Conditional Use application is for a temporary commercial activity of a food service truck in the Central Business District.
3. The Planning and Zoning Commission finds that the hours of operation are daily 7 a.m. to 3 p.m. except for Thursday's and planned summer events.
4. The Planning and Zoning Commission finds that the food service truck use is compatible with neighborhood uses.
5. The Planning and Zoning Commission finds that a Type K fire extinguisher and a Type 1 kitchen hood system (with the UL rating on the hood) will be required in the food service trailer.
6. The Planning and Zoning Commission finds that the food service truck will be operated under a License to Operate a Retail Food Establishment by the Colorado Department of Public Health and Environment.

7. The Planning and Zoning Commission finds that the applicant will need to obtain State and City sales tax licenses.
8. The Planning and Zoning Commission finds that a food service truck will not be a detriment to the community's health, safety and welfare.

CONDITIONS

1. A copy of a License to Operate a Retail Food Establishment by the Colorado Department of Public Health and Environment shall be provided to the Community Development Department prior to opening.
2. State and City Sales Tax Licenses shall be acquired prior to opening.
3. Inspection and approval of the food service truck is required by the Building Official and Fire Marshall prior to opening.
4. Location of the truck on the site is subject to the approval of the Community Development Director.

Roll Call Yes: Niemeyer, Ferchau, Tocke, Larson, Ferguson, Cave, Beda

Roll Call No:

Roll Call Abstain:

Motion carried

VI. PUBLIC HEARING – MINOR SUBDIVISION, PRELIMINARY PLAT, SB 14-1, SUBMITTED BY TOM AND JANI PULASKI.

Open Public Hearing. Chair Larson opened the public hearing at approximately 7:12 p.m.

Proof of publication. There was proof of publication.

Review of the Process. Planner Ruggera reviewed the process for a Text Amendment. The application is to subdivide a parent parcel of less than four acres. A Minor Subdivision is a two-step review process which includes a review of the preliminary plat by the Planning and Zoning Commission at a public hearing and a review and recommendation of the final plat by the P&Z, with no public hearing, followed by action by City Council, with no public hearing. The applicants would like to subdivide the main house from the remaining 17 structures and plat the five single unit structures and six duplex structures as townhomes. The applicant held a pre-application conference with the Commission on March 26, 2014 requesting a Map Amendment to rezone the property from Commercial to R3 Residential, a Minor Subdivision and a Conditional Use for a home business. After the original request, staff pursued a Text Amendment to make townhomes Conditional in the Commercial zone district. The applicants have since withdrawn the applications to rezone the property and for the Conditional Use for a Home Business and have submitted a Conditional Use application for the Townhome land use. If the Minor Subdivision and Conditional Use applications are approved, the applicants could then pursue the Townhome plat, which would be processed at staff level.

Applicant Presentation. Tom Pulaski addressed the Commission. He explained that they are proposing to subdivide 2,000 square feet from the 1.9 acre parcel. They want to have individual ownership of the large house.

Public Input. Jessie Weaver addressed the Commission. She stated that she owns 50 Hi Trailer Park and that there has been some controversy over a fence going up and she wants to be clear where the fence will be. Mr. Pulaski stated he was not aware of a controversy and that the property has been surveyed and asked Ms. Weaver if the stakes are in the right place. Ms. Weaver replied she is disputing how it runs because the old survey stakes have been moved.

Director Westbay responded that the fence location is outside the scope of this hearing. He said that a licensed surveyor doing the plat has established the corners. He said that at this time, we would have to rely on the surveyor of record. Ms. Weaver said she would want to have a survey done. Director Westbay stated that the parties could ask the surveyor to explain how he came to the survey. Ms. Weaver stated that vacated Ninth Street belongs to 50 HI. Mr. Pulaski stated he believes the survey stakes show that.

Director Westbay stated that a Condition could be established that the final survey will be reviewed by the neighbor.

Chair Larson stated that there will be a separate meeting regarding the rest of the property.

Staff Presentation. Planner Ruggera went over the draft plat and explained access for non-motorized public access, ingress and egress and the utility easements. She stated staff is requesting some changes and that the Conditions reflect those changes.

Mr. Pulaski stated there will be a finalized survey and a certain amount of land will be dedicated to the townhomes.

Commissioner Beda asked if there will be access from Virginia and Tomichi. Director Westbay responded that there will be non-motorized public access. He also said that the detail associated with the application is the utilities and easements.

Mr. Pulaski said there will be a dedicated water line from the southwest corner to the house so that it doesn't impact the townhomes.

Commissioner Beda observed that in the Conditions and Findings it is stated that the water line is *proposed*. He said there should be a Condition that it is *necessary*.

Commissioner Beda asked if, for some reason the Text Amendment to the LDC making the Townhome use Conditional is not approved after the subdivision is approved, it will affect the applicants. Director Westbay responded that all indications are that the Council will pass the revisions to the *LDC*. But, if they aren't approved, Mr. Pulaski would still have the option to rezone.

Commissioner Ferchau asked if there is any limitation on the large lot in terms of what other single-family structures can be put there in the future. Director Westbay replied that it would be under the density provisions, but there could be subsequent single-family residences.

Mr. Pulaski said they have no plans to add more residences.

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Commission Discussion. No further discussion.

Close Public Hearing. Chair Larson closed the public hearing 7:29 p.m.

ACTION. During the Planning and Zoning Commission meeting of May 14, 2014, Councilor Ferguson moved, Commissioner Niemeyer seconded and the Planning and Zoning Commission voted to APPROVE the Minor Subdivision Preliminary Plat, SB 14-1, Pulaski Subdivision with the following Findings of Fact and Conditions:

FINDINGS OF FACT

1. The Planning and Zoning Commission finds that the record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record; and provisions of the *City of Gunnison Land Development Code* and the *City of Gunnison Master Plan*.
2. The Planning and Zoning Commission finds that this application is for a Minor Subdivision of a 1.9 acre parcel into two lots and the proposed lot configurations comply with minimum lot size and frontage standards established by the *LDC*.
3. The Planning and Zoning Commission finds that the property is located in the Commercial zone district and that the applicant intends to ultimately make 17 of the units into a townhome common interest community.
4. The Planning and Zoning Commission finds that the subdivision of the subject property is compatible with the surrounding neighborhood.
5. The Planning and Zoning Commission finds that appropriate easements for utilities and access have been established and will be completed at Final Plat.
6. The Planning and Zoning Commission finds that a non-motorized public access will be provided in the 30' wide north/south utility easement.
7. The Planning and Zoning Commission finds that a new water line is required for the resultant Parcel B.
8. The Planning and Zoning Commission finds that there are two nonconforming structures on the site in regard to the front setback. A minimum of 15 feet is required and an approximate five foot setback exists. A Variance Application will be pursued prior to a Townhome Plat application.
9. The Planning and Zoning Commission finds that the eight review standards for subdivisions have been or will be met based on the following Conditions:

CONDITIONS

1. The Final Plat application shall comply with all provisions of the City's *Land Development Code*.
2. The description of the 10 foot-wide water line easement will be amended to a private utility easement benefitting Parcels A and B.

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3. Dedication language will include the provision for non-motorized public access through the 30 foot-wide north/south utility easement.
4. A new water line is required for Parcel B.

Roll Call Yes: Ferchau, Tocke, Larson, Cave, Beda, Niemeyer, Ferguson
Roll Call No:
Roll Call Abstain:
Motion carried

VII. CONSIDERATION OF THE APRIL 23, 2014 MEETING MINUTES. Commissioner Cave moved and Councilor Ferguson seconded, to approve the April 23, 2014 meeting minutes as amended.

Roll Call Yes: Niemeyer, Ferchau, Larson, Beda, Ferguson, Cave
Roll Call No:
Roll Call Abstain: Tocke
Motion carried

VIII. COUNCIL UPDATE. Councilor Ferguson updated the Commission on recent Council business:

- He shared with Council that the Upper Gunnison River Water Conservation District (UGRWCD) had a reception and dinner for representatives of the seven downstream water compact users. It was an informative opportunity to meet people with an interest in water. Representatives were from Aurora, California, Wyoming, the Colorado Attorney General's Office and others. He said that in listening to their knowledge and perspectives, he sensed there is a strong commitment to find ways to work together. He was encouraged that from this diversity of folks there is a common theme. Colorado has a commitment to seven downstream states and can't divert water that is already committed. The encouraging theme is that people are willing to think outside the box by reaching consensus and working together. There is hope for progress.
- Commissioner Ferchau asked about the status of the marijuana issue and where municipalities might go on the issue. Director Westbay responded that staff is preparing for a work session with City Council next week to discuss the ballot initiative. Commissioner Ferchau said he is interested in knowing if the issue of edibles and unintended consequences is shifting the dialogue. Director Westbay responded that it is not shifting the value-based dialogue, but the State is honing in on packaging and testing. There are specific provisions to address how they test and quantify THC.

Commissioner Beda commented that Aurora just passed an ordinance limiting retail sales to 25 outlets that cannot be closer than 1000 feet from any school, church, or residence. He said if the City were to do something like that, there is nothing on Main or the CBD that is not within 1,000 feet of a church. Director Westbay responded that the *State Statutes* give local jurisdictions the leeway to reduce setbacks.

- Councilor Ferguson stated that DOLA awarded a grant to Region 10 to do a study identifying the broadband needs of Region 10. Because there is a diversity of needs a revised RFP for a consultant has been published. He is hopeful this will result in clear information to help Region 10 work together.

IX. COMMISSIONER COMMENTS

- Chair Larson commented on the loss of Dr. John Wacker, stating that he was an asset to WSCU and the community, he will be missed.
- Commissioner Tocke thanked the Commission for excusing him from the last meeting.

X. PLANNING UPDATE. Director Westbay provided a summary of recent activity in the Community Development Office:

- numerous planning applications have been received, which will be before the Commission in the next few meetings;
- the GOCO grant for trails was not recommended by GOCO staff for approval;
- the CWCB staff is recommending approval of the river restoration grant application for \$460,000;
- RFPs for consultants for the *Comprehensive Plan* were published and submittals have been received from three firms for updating the *Comprehensive Plan* and from two facilitation consultants—interviews will be held next week or after Memorial Day;
- the Community Analysis for the *Comprehensive Plan* is coming along;
- staff has spent several days reviewing the 400 pages of rules to enact the statutory provisions for retail marijuana and staff will be discussing the issue with Council in the upcoming weeks;
- staff has also been discussing the renovations of City Hall and the City has received a DOLA grant for the HVAC system;
- about 90 people participated in Ana's Pledge;
- the course for the ProChallenge bike race has been announced; and,
- the Growler will be held on Memorial Day.

Chair Larson asked how all of the planning projects that have been submitted will impact progress on the *Comprehensive Plan*. Director Westbay responded that the next step is identifying the basic goals and ground rules, organizing committees, etc. Chair Larson said that we need to keep it moving forward, even if extra meetings are necessary.

XI. ADJOURN. Chair Larson adjourned the meeting at 7:57 p.m.

Greg Larson, Chair

Attest:

Pam Cunningham
Secretary